

**From:** Anthony Kupersmith <AKupersmith@talbgov.org>  
**Sent:** Thursday, February 4, 2021 11:19 AM  
**To:** Jean Weisman (jweisman@townofstmichaels.com)  
**Cc:** Jessica Morris; Ray Clarke; Patricia Finneyfrock; 'Patrick Thomas'  
**Subject:** Transfer of Brooks Lane  
**Attachments:** Resolution - Transfer of Brooks Ln\_2-3-21.docx; Ex. A - Brooks Lane - Plat.pdf; Ex. B - Brooks Lane - Metes and Bounds.pdf; Deed - Brooks Ln\_2-4-21.docx

Jean,

This is to discuss next steps for the transfer of Brooks Lane to the Town of St. Michaels. My understanding is that the agreed-upon improvements have been made and that the Town is ready to accept the road. The County will need to adopt a resolution authorizing the transfer. Attached is a draft resolution, copies of the survey and metes and bounds description, and a draft deed. Please review and let us know if you have any questions or concerns. Thanks,

Tony

Anthony P. Kupersmith  
Acting County Attorney  
Talbot County Office of Law  
11 N. Washington St.  
Easton, Maryland 21601  
Direct: (410) 770-8093  
Email: akupersmith@talbotcountymd.gov

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**COUNTY COUNCIL  
OF  
TALBOT COUNTY**

2021 Legislative Session, Legislative Day No.:

Resolution No.:

Introduced by: \_\_\_\_\_

**A RESOLUTION AUTHORIZING THE TRANSFER OF A PORTION OF BROOKS  
LANE IN "AS IS" CONDITION TO THE TOWN OF ST. MICHAELS BY QUITCLAIM  
DEED FOR NO MONETARY CONSIDERATION**

By the Council: \_\_\_\_\_

Introduced, read the first time, and ordered posted, with Public Hearing scheduled on  
\_\_\_\_\_, 2021 at \_\_\_\_\_ in the Bradley Meeting Room,  
South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

By order: \_\_\_\_\_  
Susan W. Moran, Secretary

**A RESOLUTION AUTHORIZING THE TRANSFER OF A PORTION OF BROOKS LANE IN “AS IS” CONDITION TO THE TOWN OF ST. MICHAELS BY QUITCLAIM DEED FOR NO MONETARY CONSIDERATION**

**WHEREAS**, Talbot County, Maryland (the “**County**”) owns and maintains a public road right-of-way known as Brooks Lane (the “**Road**”) located in the Town of St. Michaels, Maryland (the “**Town**”); and,

**WHEREAS**, the portion of the Road to be conveyed consists of 0.411 acres± and is shown and described on a plat titled “SPECIAL PURPOSE PLAT SHOWING A PORTION OF BROOKS LANE IN THE TOWN OF ST. MICHAELS SECOND ELECTION DISTRICT, TALBOT COUNTY MD PREPARED FOR TALBOT COUNTY PUBLIC WORKS”, prepared by Rauch, Inc., signed March 26, 2020, a copy of which is attached hereto as Exhibit “A”, and further shown and described in a metes and bounds description titled “DESCRIPTION OF 17,911 SQUARE FEET OF LAND MORE OR LESS, A PORTION OF BROOKS LANE RIGHT-OF-WAY IN THE TOWN OF ST. MICHAELS SECOND ELECTION DISTRICT, TALBOT COUNTY, MARYLAND”, prepared by Rauch, Inc., signed March 26, 2020, a copy of which is attached hereto as Exhibit “B” (the portion of the Road to be transferred referred to hereinafter as the “**Demised Land**”); and,

**WHEREAS**, the County and Town agreed that the County would convey the Demised Land to the Town following the Town’s annexation of the Demised Land and the County’s upgrading of the Demised Land to Town road standards and widening the roadway therein to a minimum of twenty (20) feet (the “**Conditions**”), as stated in Talbot County Resolution 248; and,

**WHEREAS**, the Town has annexed the Demised Land and the County has fulfilled the Conditions; and,

**WHEREAS**, Local Government Article (“**LG**”) § 10-312, Md. Code Ann., states that the County may provide for the disposal of any real or leasehold county property provided that “before the county makes any disposition, grant, or lease of county property, the county shall publish notice of the disposition, grant, or lease once a week for 3 successive weeks in at least one newspaper of general circulation in the county and shall include the terms and the compensation to be received and give opportunity for objections.”; and,

**WHEREAS**, transferring the Demised Land to the Town will not eliminate the Road’s or the Demised Land’s continued availability and use as a public thoroughfare. Following the transfer, the Road and the Demised Land will continue in use for the benefit of the general public, but shall be owned by, and subject to, the jurisdiction and control of the Town rather than the County.

**NOW, THEREFORE, BE IT RESOLVED** by the County Council of Talbot County, Maryland that:

1. The recitals above are hereby incorporated as if fully set forth herein.
2. The County Council finds that:

- (a) The County has duly advertised the proposed transfer and given opportunity for public comment pursuant to LG § 10-312;
- (b) The requirements of LG § 10-312 have been fulfilled;
- (c) The Road and the Demised Land will continue in use as a public thoroughfare for the benefit of the general public, subject to the ownership, jurisdiction, and control of the Town rather than the County;
- (d) To the extent the County is required to find that the Demised Land is no longer needed by the County for the County's public use, such a finding is hereby made, recognizing that the Road and the Demised Land shall continue to be used for a public use upon being transferred to the Town, as stated in the preceding paragraph; and,
- (e) The County is lawfully authorized to transfer the Demised Land and the road therein to the Town.

3. The County Council hereby authorizes the Council President to transfer the Demised Land and the road therein to the Town of St. Michaels in "as is" condition for no monetary consideration by quitclaim deed in a form and manner approved by the Talbot County Office of Law.

**BE IT FURTHER RESOLVED**, that this Resolution shall take effect immediately upon its date of passage.

**PUBLIC HEARING**

Having been posted and Notice, Time and Place of Hearing, and Title of Resolution No. \_\_\_\_\_ having been published, a public hearing was held on \_\_\_\_\_ in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland.

**BY THE COUNCIL**

Read the second time:

Enacted: \_\_\_\_\_

By Order:

\_\_\_\_\_  
Susan W. Moran, Secretary

Callahan -

Divilio -

Leshner -

Price -

Pack -

## **QUITCLAIM DEED**

**THIS QUITCLAIM DEED**, dated the \_\_\_\_\_ of \_\_\_\_\_ 2021, from **TALBOT COUNTY, MARYLAND**, a political subdivision of the State of Maryland, (“**Grantor**”), to the **TOWN OF ST. MICHAELS, MARYLAND**, a political subdivision of the State of Maryland, (“**Grantee**”).

**WHEREAS**, Grantor has agreed to transfer to Grantee, and Grantee has agreed to accept from Grantor, a certain portion of Brooks Lane in “as is” condition, which Grantor owns and maintains as a public right-of-way, but was annexed into the Town of St. Michaels pursuant to Town Resolution No. \_\_\_\_; and,

**WHEREAS**, Grantor and Grantee have duly approved this transfer by taking all necessary and appropriate steps required by law, including, without limitation, Grantor’s adoption of Resolution No. \_\_\_\_ and Grantee’s adoption of Ordinance No. \_\_\_\_; and,

**WHEREAS**, the Parties desire to effectuate the transfer of the road in question by this Quitclaim Deed.

**NOW, THEREFORE, WITNESSETH**, Grantor, for good and valuable consideration, but for NO MONETARY CONSIDERATION, grants, conveys, releases, assigns and quitclaims to the Grantee and its successors and assigns, all of the Grantor’s right, title, interest and estate in the following portion of a County-owned or maintained road:

ALL that portion of Brooks Lane shown and described as “Brooks Lane” on a plat titled “SPECIAL PURPOSE PLAT SHOWING A PORTION OF BROOKS LANE IN THE TOWN OF ST. MICHAELS SECOND ELECTION DISTRICT, TALBOT COUNTY MD PREPARED FOR TALBOT COUNTY PUBLIC WORKS”, prepared by Rauch, Inc., signed March 26, 2020, a copy of which is attached hereto as Exhibit “A”, and further shown and described in a metes and bounds description titled “DESCRIPTION OF 17,911 SQUARE FEET OF LAND MORE OR LESS, A PORTION OF BROOKS LANE RIGHT-OF-WAY IN THE TOWN OF ST. MICHAELS SECOND ELECTION DISTRICT, TALBOT COUNTY, MARYLAND”, prepared by Rauch, Inc., signed March 26, 2020, a copy of which is attached hereto as Exhibit “B”, such portion of Brooks Lane to be conveyed consisting of 0.411 acres, more or less.

**TOGETHER** with all improvements thereupon, and the rights, alleys, ways, waters, easements, privileges, appurtenances and advantages belonging or appertaining thereto. Subject to, however, any rights of access of adjoining property owners over any of said alleys or ways.

WITNESS the hand and seal of the Grantor.

ATTEST:

Talbot County, Maryland

\_\_\_\_\_  
Susan Moran, Secretary

By: \_\_\_\_\_  
Charles F. Callahan, III  
President, Talbot County Council

STATE OF MARYLAND, COUNTY OF TALBOT, TO WIT:

I HEREBY CERTIFY that on this \_\_\_\_\_ day of \_\_\_\_\_, 2021, before me, the subscribed, a Notary Public of the State and County aforesaid, personally appeared CHARLES F. CALLAHAN, and did acknowledge that he, being authorized to do so, executed the foregoing instrument as the act and deed of said Talbot County Council.

AS WITNESS my hand and Notarial seal.

My commission expires:

\_\_\_\_\_  
Notary Public

ACCEPTED AS TO ALL TERMS:

TOWN OF ST. MICHAELS

\_\_\_\_\_  
Town Clerk

\_\_\_\_\_  
President, Town Commissioners

[SIGNATURES CONTINUED NEXT PAGE]

STATE OF MARYLAND, COUNTY OF \_\_\_\_\_ TO WIT:

I HEREBY CERTIFY that on this \_\_\_\_\_ day of \_\_\_\_\_, 2021, before me, the subscribed, a Notary Public of the State and County aforesaid, personally appeared \_\_\_\_\_, and did acknowledge that he/she, being authorized to do so, executed the foregoing instrument as the act and deed of said Town of Easton.

AS WITNESS my hand and Notarial Seal.

My Commission expires:

\_\_\_\_\_  
Notary Public

CERTIFICATION

This is to certify that the within instrument was prepared by or under the supervision of the undersigned, an Attorney duly admitted to practice before the Court of Appeals of Maryland.

\_\_\_\_\_  
Anthony P. Kupersmith

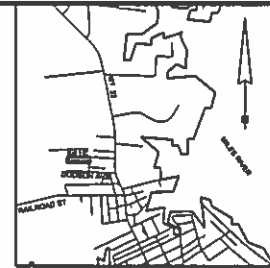
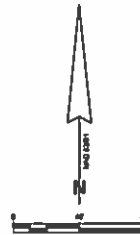


I HEREBY CERTIFY THAT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, INFORMATION AND BELIEF, THE SURVEY SHOWN HEREON WAS PREPARED BY MYSELF OR AT SUCH TIME THE UNDERSIGNED REGISTERED SURVEYOR WAS IN RESPONSIBLE CHARGE OF ITS PREPARATION AND THE SURVEYING WORK REFLECTED IN IT IS IN COMPLIANCE WITH THE REQUIREMENTS STATED IN COMAR §§ 12.05.13 OF THE MARYLAND STANDARDS FOR SURVEYORS.

**NOTES:**

1. THE PURPOSE OF THIS PLAT IS TO DEPICT THE PORTION OF BROOMS LANE TO BE TRANSFERRED FROM OWNERSHIP BY TALBOT COUNTY COMMISSIONERS TO THE TOWN OF ST. MICHAEL'S COMMISSIONERS.

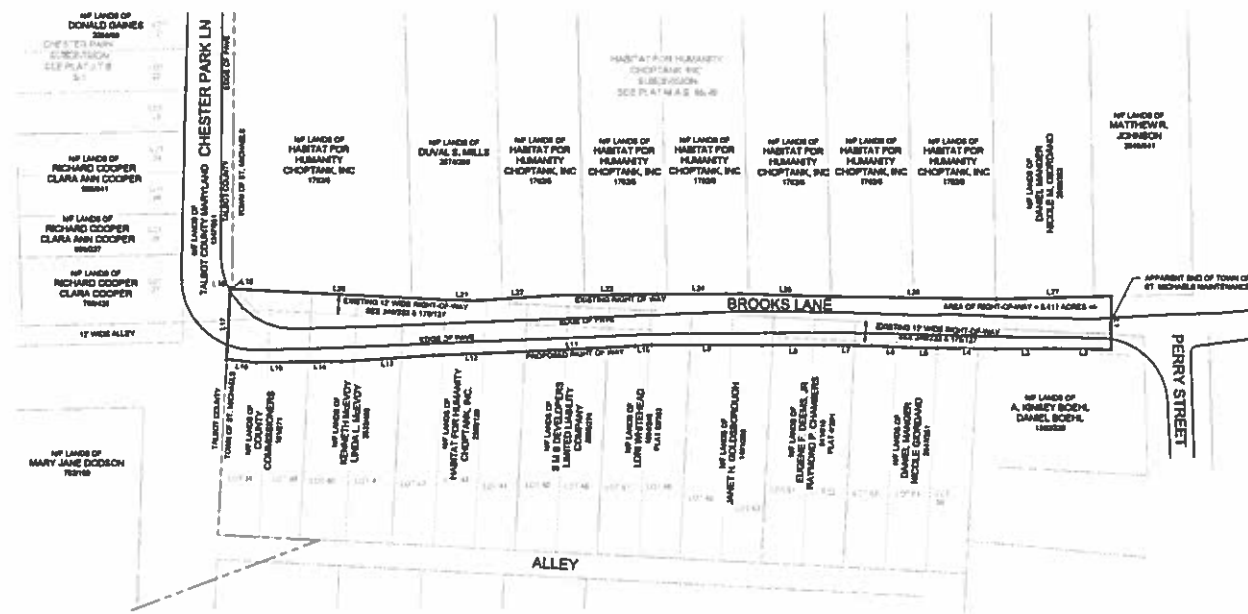
Age	Gender	Height (cm)
1.1	M	12.5
1.2	F	12.5
1.3	M	12.5
1.4	F	12.5
1.5	M	12.5
1.6	F	12.5
1.7	M	12.5
1.8	F	12.5
1.9	M	12.5
2.0	F	12.5
2.1	M	12.5
2.2	F	12.5
2.3	M	12.5
2.4	F	12.5
2.5	M	12.5
2.6	F	12.5
2.7	M	12.5
2.8	F	12.5
2.9	M	12.5
3.0	F	12.5
3.1	M	12.5
3.2	F	12.5
3.3	M	12.5
3.4	F	12.5
3.5	M	12.5
3.6	F	12.5
3.7	M	12.5
3.8	F	12.5
3.9	M	12.5
4.0	F	12.5
4.1	M	12.5
4.2	F	12.5
4.3	M	12.5
4.4	F	12.5
4.5	M	12.5
4.6	F	12.5
4.7	M	12.5
4.8	F	12.5
4.9	M	12.5
5.0	F	12.5
5.1	M	12.5
5.2	F	12.5
5.3	M	12.5
5.4	F	12.5
5.5	M	12.5
5.6	F	12.5
5.7	M	12.5
5.8	F	12.5
5.9	M	12.5
6.0	F	12.5
6.1	M	12.5
6.2	F	12.5
6.3	M	12.5
6.4	F	12.5
6.5	M	12.5
6.6	F	12.5
6.7	M	12.5
6.8	F	12.5
6.9	M	12.5
7.0	F	12.5
7.1	M	12.5
7.2	F	12.5
7.3	M	12.5
7.4	F	12.5
7.5	M	12.5
7.6	F	12.5
7.7	M	12.5
7.8	F	12.5
7.9	M	12.5
8.0	F	12.5
8.1	M	12.5
8.2	F	12.5
8.3	M	12.5
8.4	F	12.5
8.5	M	12.5
8.6	F	12.5
8.7	M	12.5
8.8	F	12.5
8.9	M	12.5
9.0	F	12.5
9.1	M	12.5
9.2	F	12.5
9.3	M	12.5
9.4	F	12.5
9.5	M	12.5
9.6	F	12.5
9.7	M	12.5
9.8	F	12.5
9.9	M	12.5
10.0	F	12.5



**SPECIAL PURPOSE PLAT**

SHOWING A PORTION OF  
BROOKS LANE

IN THE TOWN OF ST. MICHAELS  
SECOND ELECTION DISTRICT, TALBOT COUNTY MD  
PREPARED FOR TALBOT COUNTY PUBLIC WORKS



**RAUCH**  
engineering design &  
development services  
Circle 4 on Reader Service

[illegible]



March 26, 2020

**DESCRIPTION OF 17,911 SQUARE FEET OF LAND MORE OR LESS,  
A PORTION OF BROOKS LANE RIGHT-OF-WAY  
IN THE TOWN OF ST. MICHAELS  
SECOND ELECTION DISTRICT, TALBOT COUNTY, MARYLAND**

BEGINNING for the same at a point located along the northern right-of way of Brooks Lane at the intersection with the apparent end of the Town of St. Michaels maintenance line; said beginning point being further located at the northeasternmost corner of the herein described lands as shown on a plat entitled " SPECIAL PURPOSE PLAT SHOWING A PORTION OF BROOKS LANE" prepared by RAUCH, inc. in March, 2020;

THESE leaving said beginning point so fixed and binding on the aforesaid apparent end of of the Town of St. Michaels maintenance line and the outline of the herein described lands;

1. South 00°00'00" East 32.58 feet to a point located on the proposed southern right-of-way line of Brooks Lane; said point falls within the lands now or formerly of A. Kinsey & Daniel Boehl (see deed 1380/330);

THENCE leaving the apparent end of the Town of St. Michaels maintenance line and binding on the aforesaid proposed southern right-of-way line of Brooks Lane over a portion of the lands of Boehl, the lands now or formerly of Nainel Mangor & Nicole Giordano (see deed 2647/351), the lands now or formerly of Eugene F. Deems, Jr. & Raymond P. Chambers (see deed 841/618), the lands now or formerly of Janet H. Goldsborough (see deed 1491/268); The lands now or formerly of Lori Whitehead (see deed 1904/240), the lands now or formerly of SMS Developers, LLC (see 2005/274), the lands now or formerly of Habitat For Humanity Choptank, Inc. (see deed 2550/129), the lands now or formerly of Kenneth & Linda McEvoy (see deed 2533/495), the lands now or formerly of County Commissioners (see deed 181/271) the following fifteen (15) courses and distances;

2. North 88°46'03" West 33.88 feet to a point;
3. South 89°25'42" West 36.26 feet to a point;
4. North 89°16'12" West 35.59 feet to a point;
5. North 88°56'58" West 15.49 feet to a point;
6. North 87°32'57" West 24.44 feet to a point;
7. North 89°13'37" West 28.66 feet to a point;
8. South 89°56'38" West 37.78 feet to a point;
9. North 89°59'02" West 67.47 feet to a point;
10. South 86°01'15" West 9.87 feet to a point;
11. South 87°05'24" West 76.01 feet to a point;
12. South 87°30'18" West 46.89 feet to a point;



13. South 86°06'54" West 55.29 feet to a point;
14. South 89°25'51" West 27.17 feet to a point;
15. South 89°04'14" West 25.39 feet to a point;
16. North 84°04'28" West 17.84 feet to a point along the Town of St. Michaels Corporate Boundary line;

THENCE leaving the leaving the proposed southern right-of-way line of Brooks Lane and binding on the aforesaid Town of St. Michaels Corporate Boundary line;

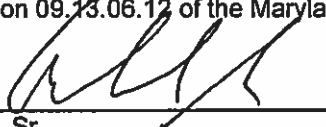
17. North 02°54'07" East 43.12 feet to a point located along the aforementioned northern right-of-way line of Brooks Lane;

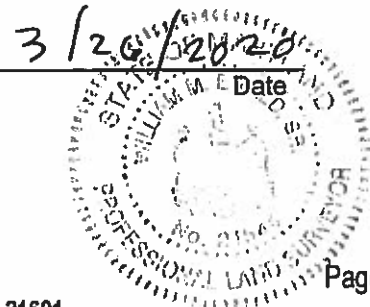
THENCE leaving the Town of St. Michaels Corporate Boundary line and binding on the aforesaid northern right-of-way line of Brooks Lane the following eight courses and distances;

18. South 87°05'53" East 131.17 feet to a point;
19. South 88°45'30" East 19.38 feet to a point;
20. North 86°09'09" East 49.36 feet to a point;
21. North 89°14'31" East 59.40 feet to a point;
22. North 89°38'26" East 51.18 feet to a point;
23. South 88°16'12" East 55.15 feet to a point;
24. South 89°15'30" East 100.37 feet to a point;
25. North 88°32'40" East 69.76 feet to a point to the place of beginning.

CONTAINING in all 17,911 square feet more or less, 0.411 acres more or less.

THE legal description contained herein was prepared by RAUCH, Inc. at which time I, the undersigned registered surveyor was in responsible charge and to the best of my professional knowledge, information and belief its preparation and the surveying work reflected therein is in compliance with the requirements stated in Regulation 09.13.06.12 of the Maryland Minimum Standards for Surveyors.

  
\_\_\_\_\_  
William M. Ewald, Sr.  
Professional Land Surveyor #21544 (expiration date 12-22-2021)



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